

SENATE FILE NO. SF0066

American rescue plan act recovery funds appropriations.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to the emergency expenses of government;  
 2 providing definitions; providing for appropriations; specifying  
 3 conditions on the appropriation and expenditure of COVID-19  
 4 relief funds; authorizing emergency government programs;  
 5 authorizing rulemaking; requiring reporting; amending and  
 6 repealing prior appropriations of COVID-19 relief funds; amending  
 7 a sunset date for emergency programs; specifying applicability;  
 8 and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.**

13

14 (a) As used in this act:

15

1           (i) "Agency" means any governmental unit or branch of  
2 government receiving an appropriation under this act;

3  
4           (ii) "Appropriation" means the authorizations granted  
5 by the legislature under this act to make expenditures from and  
6 to incur obligations against the funds as specified;

7  
8           (iii) "ARPD" means American Rescue Plan Act direct  
9 funds, which are any unexpended, unobligated funds received by  
10 the state of Wyoming through the Coronavirus State Fiscal  
11 Recovery Fund established under section 602 of title VI of the  
12 federal Social Security Act, as created by section 9901 of the  
13 American Rescue Plan Act of 2021, P.L. 117-2. "ARPD" shall not  
14 include expenditures authorized under the American Rescue Plan  
15 Act of 2021, P.L. 117-2, section 602(c)(1)(C) for revenue  
16 replacement for the provision of government services to the  
17 extent of the state of Wyoming's reduction in revenue;

18  
19           (iv) "This appropriation" when used in a footnote  
20 shall be construed as a reference to that portion of the  
21 appropriated funds identified in the footnote.

22

23           **Section 2.**

1  
2           (a) The following sums of money, or so much thereof as is  
3 necessary, are appropriated to the specified agencies to be  
4 expended for the purposes and programs specified by this act  
5 beginning March 27, 2022 and ending December 31, 2026. Unless  
6 otherwise specifically provided, the conditions, terms and other  
7 requirements on appropriations in this act are effective until  
8 December 31, 2026.

9

APPROPRIATION	OTHER FUNDS
FOR	\$
1 <b>Section 400. AMERICAN RESCUE PLAN DIRECT (ARPD) APPROPRIATIONS</b>	
2	
3 AGENCY & PROGRAM	
4 001 - Discr. Health Response <sup>1</sup> .	50,000,000 ARPD
5 001 - Workforce Prgms <sup>2</sup> .	10,000,000 ARPD
6 024 - Outdoor Rec. Grant Prgm <sup>3</sup> .	10,000,000 ARPD
7 024 - Outdoor Rec. & Tourism <sup>4</sup> .	2,000,000 ARPD
8 045 - Tech. Needs for WyoLink <sup>5</sup> .	35,000,000 ARPD
9 048 - HHS Staffing Stabilization <sup>6</sup> .	10,000,000 ARPD
10 048 - HHS Innovation Fund <sup>7</sup> .	5,000,000 ARPD
11 048 - EMS Dispatch Cert. <sup>8</sup> .	84,000 ARPD
12 048 - 2-1-1 Capacity Building <sup>9</sup> .	1,750,000 ARPD
13 048 - EMS Stabilization Fund <sup>10</sup> .	5,000,000 ARPD
14 048 - EMS Regionalization Pilot <sup>11</sup> .	5,000,000 ARPD
15 048 - WYHS (FY2023) <sup>12</sup> .	2,749,894 ARPD
16 048 - HHS Cap. Imprv.	
17     & Provider Relief <sup>13</sup> .	5,000,000 ARPD
18 049 - Crisis Beds/	
19     Stabilization Svcs <sup>14</sup> .	750,000 ARPD
20 057 - WYIN Loan & Grant Prgm <sup>15</sup> .	6,427,477 ARPD
21 060 - HHS Capital Construction <sup>16</sup> .	55,000,000 ARPD
22 060 - Local Gov. Support Projects <sup>17</sup> .	50,000,000 ARPD
23 060 - Eligible Water	
24     & Sewer Projects <sup>18</sup> .	50,000,000 ARPD
25 067 - Family Medicine	
26     Residency Program <sup>19</sup> .	708,407 ARPD
27 067 - WWAMI T&F Inflation <sup>20</sup> .	1,579,948 ARPD
28 080 - SUD Treatment Backlog <sup>21</sup> .	1,200,000 ARPD
29 085 - Connect Wyoming 2 <sup>22</sup> .	25,000,000 ARPD
30 101 - Circuit Court eFiling <sup>23</sup> .	2,140,000 ARPD
31 101 - PPE & Tests <sup>24</sup> .	<u>150,000</u> ARPD
32 TOTAL	334,539,726

APPROPRIATION

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1  
2 1. This appropriation to the governor's office is for purposes of responding  
3 to the COVID-19 public health emergency.

4  
5 2. (a) This appropriation to the governor's office is for distribution to or  
6 through the Wyoming business council, department of workforce services,  
7 University of Wyoming or Wyoming community college commission and community  
8 colleges for:

9  
10 (i) Pre-apprenticeships and apprenticeships;

11  
12 (ii) Targeted healthcare workforce programs;

13  
14 (iii) Targeted early childhood workforce programs;

15  
16 (iv) Dislocated and underemployed talent transition programs;

17  
18 (v) Workforce development for targeted populations who do not  
19 qualify for other assistance, including prisoners released on parole;

20  
21 (vi) Assistance to former Wyoming residents who have intent to  
22 return to Wyoming for careers;

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APPROPRIATION

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1 (vii) Economic development training for state, local and private  
2 economic development professions.

3

4 (b) No funds from this appropriation shall be expended on post-  
5 secondary education other than for career and technical education determined  
6 by the governor to be critical to the Wyoming workforce.

7

8 3. This appropriation to the department of state parks and cultural resources  
9 is for products, projects and grants in response to the COVID-19 public health  
10 emergency that qualify as ARPD expenditures.

11

12 4. This appropriation to the department of state parks and cultural  
13 resources, office of outdoor recreation, is for qualifying ARPD expenditures.

14

15 5. This appropriation to the department of transportation is for qualifying  
16 ARPD state or local government expenditures related to the WyoLink statewide  
17 public safety interoperable radio communications system, hardware and network.  
18 This appropriation is for purposes of assisting Wyoming's continued response  
19 to the COVID-19 public health emergency and improved connectivity of first  
20 responders.

21

22 6. This appropriation to the department of health is for purposes of  
23 providing emergency funding for staff retention and for attracting employees  
24 to health and human services provider groups. The department of health shall

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1 provide priority for funding under this footnote to employees who care for  
2 vulnerable populations and at risk populations.

3  
4 7. This appropriation to the department of health is for purposes of  
5 providing grants for health and human services innovations in rural health  
6 care, long-term care, provision of human services, community behavioral  
7 health, mental health and health information technology and digital medical  
8 innovation.

9  
10 8. This appropriation to the department of health is for the establishment of  
11 emergency medical dispatch statewide certification, which could include  
12 training, hardware and other activities to improve emergency response times  
13 and patient outcomes related to the emergency response to the COVID-19 public  
14 health emergency.

15  
16 9. This appropriation to the department of health is for purposes of  
17 enhancing the capacity of the Wyoming 2-1-1 directory of resources to provide  
18 comprehensive information and referrals to improve the emergency response to  
19 the COVID-19 public health emergency.

20  
21 10. This appropriation to the department of health is for purposes of  
22 providing grants to stabilize emergency medical services. The department shall  
23 not provide any grant under this footnote if the grant will prolong a business

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1 entity that otherwise does not have the resources needed to continue to  
 2 operate during the period of the grant.

3  
 4 11. This appropriation to the department of health is for purposes of  
 5 establishing an emergency medical services regionalization pilot opportunity  
 6 for the five (5) trauma regions across Wyoming and investigating alternative  
 7 options for emergency medical services that improve access and reduce costs.  
 8 Expenditure of this appropriation is conditioned upon a match of funds in the  
 9 ratio of one dollar (\$1.00) of appropriated funds to not less than one dollar  
 10 (\$1.00) from any other source.

11  
 12 12. This appropriation to the department of health, aging division, is for  
 13 the Wyoming home services program. This appropriation shall be used in lieu of  
 14 expenditure of state general funds for any qualifying ARPD expenditures for  
 15 the Wyoming home services program.

16  
 17 13. This appropriation to the department of health is for purposes of  
 18 providing grants to health and human services providers to improve existing  
 19 infrastructure and to provide financial relief to providers who are at  
 20 imminent risk of closure. Grants shall be distributed to providers as  
 21 determined by the department.

22  
 23 14. This appropriation to the department of family services is for crisis  
 24 beds and stabilization services, provided that the department shall not expend



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1 funds from this total appropriation to support the overall capacity of  
 2 residential and group home beds in excess of the number of certified beds on  
 3 January 1, 2020.

4  
 5 15. This appropriation to the Wyoming community college commission is for the  
 6 Wyoming investment in nursing program. Notwithstanding the source of funding  
 7 for this appropriation, it is the intent of the legislature that the standard  
 8 budget of the Wyoming investment in nursing program within the Wyoming  
 9 community college commission be requested from state general funds for the  
 10 immediately succeeding fiscal biennium.

11  
 12 16. (a) This appropriation to the office of state lands and investments is  
 13 for purposes of providing grants for qualifying health and human services  
 14 infrastructure and capital construction investments. Grants from this  
 15 appropriation shall be determined by the state loan and investment board. The  
 16 following conditions shall apply to all grants provided under this footnote:

17  
 18 (i) The maximum grant for any single project shall be seven  
 19 million five hundred thousand dollars (\$7,500,000.00);

20  
 21 (ii) A needs analysis determination shall be conducted by the  
 22 state loan and investment board and may include a review of the project  
 23 sponsor's financial information, including but not limited to revenue and  
 24 other projections, budgets, financial statements and audits;

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(iii) Expenditure of the grant by the recipient is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of grant funds to not less than one dollar (\$1.00) from any other source, including in-kind contributions to the project, except that the state loan and investment board may modify this matching requirement upon determination of need as provided in paragraph (a)(ii) of this footnote.

17. This appropriation to the office of state lands and investments is for administrative costs and merit based allocations of competitive grant funding to cities, counties and tribal governments to address the COVID-19 public health emergency or its negative economic impacts. Applications for eligible water and wastewater projects shall receive a lower priority from this appropriation than other eligible applications. Subject to the limitations provided in this footnote, the allocations of the competitive grant funding shall be determined by the state loan and investment board.

18. (a) This appropriation to the office of state lands and investments is for the allocation of competitive grant funding to cities, counties and tribal governments for eligible water and wastewater projects. The allocation of the competitive grant funding shall be determined by the state loan and investment board. The following conditions shall apply to all grants provided under this footnote:

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1 (i) The maximum grant for any single project shall be four  
2 million five hundred thousand dollars (\$4,500,000.00);

3  
4 (ii) Expenditure of the grant by the recipient is conditioned  
5 upon a match of funds in the ratio of eighty-five cents (\$0.85) of grant funds  
6 to not less than fifteen cents (\$0.15) from matching funds provided by the  
7 project sponsor.

8  
9 (b) If 2022 House Bill 0006 is enacted into law, this appropriation  
10 shall not be effective.

11  
12 19. This appropriation to the University of Wyoming is for the family medical  
13 residency program.

14  
15 20. This appropriation to the University of Wyoming WWAMI medical education  
16 program is to be expended solely for student tuition and fees if determined in  
17 writing by the Wyoming attorney general to be permissible under state and  
18 federal law. The Wyoming attorney general's written determination shall be  
19 provided to the state auditor's office before funds are released for the  
20 university from this appropriation.

21  
22 21. This appropriation to the department of corrections is for purposes of  
23 resolving the substance use disorder treatment backlog created by the COVID-19  
24 public health emergency.

	OTHER
APPROPRIATION	FUNDS
FOR	\$

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2 22. This appropriation to the Wyoming business council is for purposes of  
3 increasing broadband connectivity to improve access to and meet the increased  
4 need for reliable high-speed internet service. Of this appropriation,  
5 expenditure of fifteen million dollars (\$15,000,000.00) ARPD is conditioned  
6 upon a match of funds in the ratio of one dollar (\$1.00) of appropriated funds  
7 to not less than one dollar (\$1.00) of private sector matching funds from  
8 project participants. It is the intent of the legislature that this  
9 appropriation leverage additional federal funds for broadband connectivity  
10 under the Infrastructure Investment and Jobs Act, P.L. 117-58 to the maximum  
11 extent possible and not less than one dollar (\$1.00) of appropriated funds to  
12 four dollars (\$4.00) of federal matching funds.

13  
14 23. This appropriation to the supreme court is for the implementation of  
15 electronic filing of court documents in the Wyoming circuit courts and for  
16 associated maintenance and support as a mechanism to employ technology to  
17 limit the number of members of the public who are present in courthouses as a  
18 mitigation strategy to slow the spread of COVID-19.

19  
20 24. This appropriation to the supreme court is for purposes of implementing  
21 COVID-19 mitigation measures including, but not limited to acquisition of  
22 personal protective equipment to slow the spread of COVID-19.

23

1           **Section 3.**

2

3           (a) Funds appropriated under this act may be expended or  
4 obligated by the executive branch or judicial branch subject to  
5 the following conditions:

6

7           (i) It is the intent of the legislature that the  
8 appropriations in this act not be included in the respective  
9 agencies' standard budget for the immediately succeeding fiscal  
10 biennium, unless otherwise specifically provided;

11

12           (ii) The appropriations in this act shall not be  
13 revised, changed, redistributed or increased pursuant to W.S.  
14 9-2-1005(b)(ii) and (iii);

15

16           (iii) The appropriations in this act shall not be  
17 transferred or expended for any purpose other than the purpose  
18 for which they are appropriated.

19

20           (b) No expenditure of funds shall be made under this act  
21 except in accordance with state and federal laws, regulations and  
22 orders.

23

1           (c) The governor shall implement reporting requirements on  
2 the recipient of any grant, distribution or aid authorized under  
3 this act sufficient to comply with all federal reporting  
4 requirements.

5

6           (d) The governor is authorized to establish by order or  
7 rule emergency programs for which funds are appropriated in this  
8 act that are consistent with the terms of the American Rescue  
9 Plan Act of 2021, P.L. 117-2, and that do not obligate the state  
10 to make any expenditure of state funds not appropriated by the  
11 legislature. Any emergency program under the authority granted  
12 in this act shall expire on December 31, 2026 unless expressly  
13 continued by act of the legislature.

14

15           (e) The governor shall report to the joint appropriations  
16 committee on a monthly basis on all of the following:

17

18           (i) The aggregate allocation of funds, appropriated in  
19 this act, by program;

20

21           (ii) Program expenditures;

22

23           (iii) Grant awards;

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(iv) Grant expenditures.

**Section 4.** 2021 Wyoming Session Laws, Chapter 166, Section 4(a)(vi), Section 5(a) and (b)(intro), Section 6(d) and Section 7 is amended to read:

**Section 4.**

(a) The legislature finds that:

(vi) In the event that for whatever reason, the legislature does not enact further legislation to appropriate federal funds from the American Rescue Plan Act or the CARES Act ~~by~~for the period beginning September 1, 2021 and ending March 26, 2022, the governor is authorized by the terms of this act to implement programs as specified to expend these funds.

**Section 5.**

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section

1 through March 26, 2022, the governor is authorized to  
2 establish by order or rule any emergency program that  
3 is consistent with the terms of this act and the  
4 federal gift, grant or appropriation if the program  
5 can be fully supported by federal funds appropriated  
6 under this act or other existing appropriations and  
7 does not obligate the state to any expenditure of  
8 State funds not previously appropriated by the  
9 legislature. Any emergency program created under the  
10 authority granted in this subsection shall expire on  
11 ~~December 31, 2024~~ March 26, 2022 unless expressly  
12 continued by act of the legislature.

13  
14 (b) Subject to the limitations provided in  
15 subsections (c) through (e) of this section, any  
16 federal funds provided to the state for COVID-19  
17 related purposes including from the American Rescue  
18 Plan Act, P.L. 117-2, the Coronavirus Aid, Relief and  
19 Economic Security (CARES) Act, P.L. 116-136, or other  
20 similarly purposed federal act, that do not accrue to  
21 any agency under W.S. 9-2-1006(a) and which are not  
22 appropriated within sections 4(a) through (c) of this  
23 act are appropriated to the office of the governor for



1 the emergency expenses of government that are  
2 consistent with the terms of the federal gift, grant or  
3 appropriation and subject to the provisions of this  
4 subsection. This appropriation shall lapse on March  
5 26, 2022. In accordance with W.S. 9-4-205(a), this  
6 appropriation of federal funds shall be subject to  
7 further legislative review and appropriation. This  
8 appropriation shall only be expended for the following  
9 purposes:

10  
11 **Section 6.**

12  
13 (d) To the extent not appropriated in subsections  
14 (a) through (c) of this section, there is appropriated  
15 all unexpended, unencumbered and unobligated funds  
16 received by the state of Wyoming to the state auditor  
17 from the American Rescue Plan Act of 2021, P.L. 117-2,  
18 the Coronavirus Aid, Relief and Economic Security  
19 (CARES) Act, P.L. 116-136 or other similarly purposed  
20 federal act, including funds originally appropriated  
21 in 2020 Wyoming Special Session Laws, Chapter 1,  
22 Section 2(b), Chapter 2, Section 4(d) and Chapter 3,  
23 Sections 2(h), 3(h) and 4(g). Through March 26, 2022,

1 the governor may transfer funds reappropriated under  
2 this section to the state agency or entity designated  
3 to approve the project, grant or procurements as  
4 provided in section 5 of this act. This appropriation  
5 shall not be transferred or expended for any purpose  
6 except as provided in this subsection. Any unobligated,  
7 unexpended funds remaining from this appropriation  
8 upon the expiration of the later of the relevant  
9 federal law, related federal legislation, reallocation  
10 by the secretary of the United States department of  
11 treasury, or any extension granted by the United  
12 States department of treasury shall be deposited to the  
13 general fund unless otherwise provided by federal law.

14  
15 **Section 7.** Except as provided in this section,  
16 the governor at all times retains the authority to  
17 expend the federal funds in accordance with W.S.  
18 9-2-1005(b)(ii) and (g), 9-2-1006(a) and 9-4-206.  
19 After March 26, 2022, amounts authorized for  
20 expenditure by legislative appropriation of federal  
21 funds provided to the state from the American  
22 Rescue Plan Act, P.L. 117-2, shall not be revised,

1 changed, redistributed or increased by the governor  
2 except pursuant to legislative enactment.  
3

4 **Section 5.** 2021 Wyoming Session Laws, Chapter 69, Section  
5 313(j) and 2021 Wyoming Session Laws, Chapter 140, Section 9(d)  
6 are repealed.  
7

8 **Section 6.** Nothing in this act shall modify or impair any  
9 existing contract or obligation of the state that is executed  
10 or incurred on or before March 26, 2022.  
11

12 **Section 7.** This act is effective immediately upon  
13 completion of all acts necessary for a bill to become law as  
14 provided by Article 4, Section 8 of the Wyoming Constitution.  
15

16 (END)